

REMARKS/ARGUMENTS

The Office Action mailed January 29, 2004, and the references cited therein have been received and carefully reviewed.

Claims 1-7, 10-12, 18-19, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vavrik in view of Waite, JP11-170203, or JP60-98602. Moreover, claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vavrik in view of Waite, JP11-170203, or JP60-98602 and further in view of U.S. 4,555,849 to Ando. Claims 16-17, 20-22, and 26 are indicated to be allowable if rewritten in independent form. With respect to the rejected claims, the above-noted references have been carefully reviewed but are not believed to show or suggest Applicant's claimed invention in any manner. Reconsideration and allowance of the pending claims is therefore respectfully requested in view of the following remarks.

As the Examiner is aware, during the cutting operation, the saw blade rotates and the cutting chips generally fly off from the cut portion in a direction that is tangential to the edge of the saw blade (see paragraphs [0003] and [0006] of the specification). The current invention teaches that by locating the light lateral to the saw blade, or opposing the saw blade, the location can help to reduce the problems associated with chips flying off from the cut portion. All of the independent claims have substantially the same limitation incorporating this aspect of the current invention:

Claim 1. the light is mounted to a part of the inner wall that *opposes to the saw blade in the lateral direction.*

Claim18. the light is mounted to a part of the inner wall that

opposes to the saw blade in the lateral direction.

Claim 30. the light is mounted to a part of the inner wall that *opposes to the saw blade in the lateral direction.*

Claim 31. the light is mounted to a part of the inner wall that *opposes to the saw blade in the lateral direction.*

Vavrik, FIG. 2 and FIG. 3, the only figures where the placement of the light relative to the saw blade is taught, show the light outside of the circumference of the saw blade. All of the other references also show the light outside of the circumference of the saw blade, in contradiction to the inventions claimed in the current application. In failing to state either explicitly or inherently, all of the limitations of the independent claims of the current invention, the rejection 35 U.S.C. 103(a) should be withdrawn for failing to create a prima facie case of obviousness. MPEP 2143.03.

Furthermore, the Examiner has not provided support for the motivation to relocate the light to the inner wall of the blade cover such that there is no need for light transmitting rods. The Examiner has argued that the rearranging of parts (not the case here) and the omission of elements along with their function is obvious according to MPEP 2144.04 (II) (A). The function of the light is to illuminate the cutting line of the wood. The LUCITE rod of Vavrik transmits the light so as to illuminate the cutting line of the wood. It is respectfully submitted that it appears that the Examiner is attempting to use two distinct arguments in this situation in an impermissible combination. The current invention is neither a mere rearranging of parts (there is no LUCITE rod of Vavrik) nor is it the elimination of a part and its function. If the LUCITE rod of Vavrik were eliminated, the device would not work.

According to MPEP 2144.04 (II) (B), the deletion of components and the retention of the function is a non-obvious improvement.

Furthermore, there is no suggestion or motivation to combine as contained within the references themselves. The Examiner has impermissibly used hindsight to pick and chose elements suggested by the current application. In addition, none of the references have a limitation where the light is laterally opposed to the saw blade. In view of the foregoing, Applicant respectfully submits that claims 1, 18, 30, and 31 are patentable over the prior art combination.

Claims 2-7, 10-17, and 26 are dependent from claim 1 and are therefore allowable for the same reasons as claim 1.

Claims 19-22 are dependent from claim 18 and are therefore allowable for the same reasons as claim 18.

Each issue raised in the Office Action mailed January 29, 2004, has been addressed and it is believed that the application is in condition for allowance.

Wherefore, Applicant respectfully requests a timely Notice of Allowance be issued in this case.

Respectfully submitted,
DENNISON, SCHULTZ,
DOUGHERTY & MACDONALD



Amir H. Behnia
Reg. No. 50,215
Tel.: (703) 837-9600 ext. 16